

TO BE ELECTRONICALLY FILED

Gary F. Eisenberg
HERRICK, FEINSTEIN LLP
One Gateway Center
Newark, New Jersey 07102
Phone: (212) 592-1400
Fax: (973) 274-2000
Email: geisenberg@herrick.com
Attorneys for Plaintiff Signature Bank

Hearing Date: March 15, 2011
Hearing Time: 9:30 a.m.
Hearing Place: Utica, New York

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

-----X
In re

MOISE BANAYAN,

Debtor.

-----X
SIGNATURE BANK,

Plaintiff,

-against-

MOISE BANAYAN,

Defendant.

-----X
SIGNATURE BANK,

Plaintiff,

-against-

MOISE BANAYAN,

Defendant.

In Proceedings Under Chapter 7 of the
United States Bankruptcy Code

Case No. 08-60954-6-sdg

Adv. Pro. No.: 08-80073

Adv. Pro. No.: 08-80042

-----X

**AMENDED NOTICE OF MOTION BY SIGNATURE BANK PURSUANT TO
BANKRUPTCY RULE 7015 AND FED.R.CIV.PROC. 15(b) TO AMEND COMPLAINT
TO PLEAD RELIEF UNDER SECTION 523(a)(6) OF BANKRUPTCY CODE AS TRIED
TO COURT**

TO: ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that Signature Bank, a creditor and party in interest in the above-captioned cases (“Signature” or “Plaintiff”), by its counsel, Herrick, Feinstein LLP, filed the annexed motion (the “Motion”), pursuant to Federal Rule of Civil Procedure (the “Federal Rules”) 15(b)(2), made applicable herein by Federal Rule of Bankruptcy Procedure (the “Bankruptcy Rules”) 7015, to request that this Court permit Plaintiff to amend its complaint in Adv. Proc. No. 08-80042 to plead relief under 11 U.S.C. §523(a)(6) with respect to the trial conducted by the Court on October 19, 2010, November 29, 2010 and November 30, 2010 (the “Trial”). A proposed form of Order is annexed to the Motion as Exhibit B.

PLEASE TAKE FURTHER NOTICE that on the accompanying Motion, Signature Bank will move on **March 15, 2011 at 9:30 a.m.** (prevailing Eastern Time) or as soon thereafter as counsel may be heard before the Honorable Diane Davis, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Northern District of New York, Alexander Pirnie Federal Building, 10 Broad Street, Room 236, Utica, New York 13501 for entry of an order granting the Motion.

PLEASE TAKE FURTHER NOTICE that any papers in opposition shall be filed with the Clerk of the Court at the address of the Court above and served in accordance with the Local Rules (including rules applicable to electronic filing), and in particular as required by Local Rule 9013-1(c), so as to be received by the Clerk at the address of the Court above and

counsel for Signature Bank at the address set forth at the top of the first page of this notice. If no timely opposition is filed, the Court may grant the Motion by default.

Dated: New York, New York
February 23, 2011

HERRICK, FEINSTEIN LLP

By: /s/ Gary F. Eisenberg
Gary F. Eisenberg
One Gateway Center
New York, New York 07102
Phone: (212) 592-1400
Fax: (973) 274-2000
Email: geisenberg@herrick.com

Attorneys for Plaintiff Signature Bank

TO: Service List as set forth on accompanying certification of service.